

CRIM

377

**United States District Court
for the**

Southern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Releasee**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Releasee: Darnell Lewis Feagins Docket Number: Click here to enter text.

Name of Sentencing Judicial Officer: Honorable Clay D. Land, Chief U.S. District Judge

Name of Presiding Judicial Officer: Newly Assigned Judge

Date of Original Sentence: August 14, 2015

Original Offense: FAILURE TO REGISTER AS A SEX OFFENDER - 18:2250.F a Class C
Felony

Original Sentence: 27 Months Bureau of Prisons; 60 Months Supervised Release; Special
Condition includes Participation in a program working toward completion of a GED.

Type of Supervision: Supervised Release

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The releasee shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, and shall provide proof of registration to the Probation Officer. The releasee shall undergo a sex-offense-specific evaluation and participate in a sex offender treatment/and or mental health treatment program approved by the probation officer. The releasee shall abide by all rules, requirements, and conditions of the sex offender treatment program(s). The releasee shall waive his right of confidentiality in any records for mental health assessment and treatment imposed as a consequence of this judgment to allow the probation officer to review the releasee's course of treatment and progress with the treatment provider. The releasee will be required to contribute to the costs of services rendered in an amount approved by the probation officer, based on ability to pay or availability of third-party payment. The releasee shall not have deliberate contact with any child under 18 years of age, unless approved by the probation department. The releasee shall not loiter within 100 feet of schoolyards, playgrounds, arcades, or other places primarily used by children under the age of 18. The releasee shall not have contact with the victim(s) in this case. This includes any physical, visual, written or telephonic contact with such persons. Additionally, the releasee shall not directly cause or encourage anyone else to have such contact with the victim(s).

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The releasee shall submit his person, residence, office, or vehicle to a search conducted by a United States Probation Officer at any reasonable time and in a reasonable manner, based upon a reasonable suspicion of contraband, or evidence of a violation of the conditions of release. Failure to submit to a search may be grounds for revocation. The releasee shall warn any other residents that the premises may be subject to search pursuant to this condition.

CAUSE

On May 14, 2015, Feagins appeared for sentencing in the Middle District of Georgia before the Honorable Clay D. Land, Chief United States District Judge, after pleading guilty to the charges noted above. He was sentenced to 27 months custody and 60 months supervised release; special conditions included participation in a program working toward completion of a GED. Feagins was supposed to register as a Sex Offender following his 2012 conviction for Endangering the Welfare of a Child and Criminal Sexual Act in by Kings County Supreme Court. Parole for this Conviction expires 7/17/2018. He left New York and went to Georgia which resulted in a Parole Violation Warrant being issued on October 1, 2013. Following the completion of his 27 month custody term, (on or about July 29, 2016,) Feagins was released from federal custody to the New York Department of Corrections based on the above warrant. On or about November 29, 2016, he was released from Rikers Island to commence supervision with the New York State Department of Corrections and Community Supervision (NYSDCCS). Feagins never reported to Federal Probation and after numerous attempts, Middle District of Georgia was able to contact the NYSDCCS, and on April 26, 2017, were advised that Feagins was residing at the Willow Mens Shelter, 781 East 135th Street, in the Bronx.

As Feagins plans to permanently reside in New York, Middle District of Georgia has requested a Transfer of Jurisdiction.

We are seeking additional special conditions be imposed with the acceptance of this case. Mr. Feagins has signed the Prob 49 Waiver of Hearing to Modify Conditions to add a search condition and the sex offender treatment condition. Putting these conditions in place will mirror Feagin's state parole conditions already in place and allow our office to help monitor his compliance with a sex offender treatment program he has been attending via their provider, ensure he does not possess unauthorized material, and will restrict his interactions with minors based on the conduct in his underlying offense.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

As outlined above, Mr. Feagins failed to report to a federal probation office in a timely manner and his sentencing judge was made aware of this non-compliance. He has yet to begin a GED program but is attending sex offender treatment at NYCATS via New York State Parole and is looking for employment in the construction field. He has paid \$50 toward his \$100 special

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assessment and has stayed in contact with his assigned probation officer in Georgia via telephone pending transfer of his case.


RECOMMENDATION AND JUSTIFICATION

We respectfully request that the Court impose the proposed conditions to help monitor his compliance with sex offender treatment, ensure he does not possess unauthorized material, and restrict his interactions with minors. As evidenced in the attached Waiver of Hearing to Modify Conditions (Prob 49), Mr. Feagins has agreed to same.

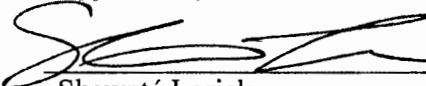
We stand ready to execute the orders of the Court and have attached a response page to facilitate Your Honor's reply.

Respectfully submitted,
Michael Fitzpatrick
Chief U.S. Probation Officer

by


Hillel Greene
U.S. Probation Officer
212-805-5077

Approved By:


Shawnté Lorick
U.S. Probation Officer Specialist

June 15, 2017

Date

PROB 49

Waiver of Hearing
to Modify Conditions of Supervised Release

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK**


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By assistance of counsel, I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to me if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

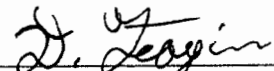
The releasee shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, and shall provide proof of registration to the Probation Officer. The releasee shall undergo a sex-offense-specific evaluation and participate in a sex offender treatment/and or mental health treatment program approved by the probation officer. The releasee shall abide by all rules, requirements, and conditions of the sex offender treatment program(s). The releasee shall waive his right of confidentiality in any records for mental health assessment and treatment imposed as a consequence of this judgment to allow the probation officer to review the releasee's course of treatment and progress with the treatment provider. The releasee will be required to contribute to the costs of services rendered in an amount approved by the probation officer, based on ability to pay or availability of third-party payment. The releasee shall not have deliberate contact with any child under 18 years of age, unless approved by the probation department. The releasee shall not loiter within 100 feet of schoolyards, playgrounds, arcades, or other places primarily used by children under the age of 18. The releasee shall not have contact with the victim(s) in this case. This includes any physical, visual, written or telephonic contact with such persons. Additionally, the releasee shall not directly cause or encourage anyone else to have such contact with the victim(s).

The releasee shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at any reasonable time and in a reasonable manner, based upon a reasonable suspicion of contraband, or evidence of a violation of a conditions of release. Failure to submit to a search may be grounds for revocation. The releasee shall warn any other residents that the premises may be subject to searches pursuant to this condition.

Witness:


U.S. Probation Officer

Signed:


Supervised Releasee

Date: June 8, 2017

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

JUDICIAL RESPONSE

THE COURT ORDERS:

- ☐ The Modification of the Conditions of Supervised Release, to include;

The releasee shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, and shall provide proof of registration to the Probation Officer. The releasee shall undergo a sex-offense-specific evaluation and participate in a sex offender treatment/and or mental health treatment program approved by the probation officer. The releasee shall abide by all rules, requirements, and conditions of the sex offender treatment program(s). The releasee shall waive his right of confidentiality in any records for mental health assessment and treatment imposed as a consequence of this judgment to allow the probation officer to review the releasee's course of treatment and progress with the treatment provider. The releasee will be required to contribute to the costs of services rendered in an amount approved by the probation officer, based on ability to pay or availability of third-party payment. The releasee shall not have deliberate contact with any child under 18 years of age, unless approved by the probation department. The releasee shall not loiter within 100 feet of schoolyards, playgrounds, arcades, or other places primarily used by children under the age of 18. The releasee shall not have contact with the victim(s) in this case. This includes any physical, visual, written or telephonic contact with such persons. Additionally, the releasee shall not directly cause or encourage anyone else to have such contact with the victim(s).

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- ☐ Modification of Conditions Denied
- ☐ Other:

Signature of Judicial Officer

Date